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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 RORY JACOB HERRERA,

11 Defendant.

3:22-CR-070-MMD-CSD

Preliminary Order of Forfeiture

12 This Court finds Rory Jacob Herrera pled guilty to Count One of a One-Count
13 Criminal Indictment charging him with possession of child pornography in violation of 18
14 U.S.C. § 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 36;
15 Memorandum in Support of Plea, ECF No. 34.

16 This Court imposes the forfeiture of the property set forth in the Memorandum in
17 Support of Plea and the Forfeiture Allegation of the Criminal Indictment. Criminal
18 Indictment, ECF No. 1; Change of Plea, ECF No. 36; Memorandum in Support of Plea,
19 ECF No. 34.

20 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
21 America has shown the requisite nexus between property set forth in the Memorandum in
22 Support of Plea and the Forfeiture Allegation of the Criminal Indictment and the offense to
23 which Rory Jacob Herrera pled guilty.

24 The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or
25 any book, magazine, periodical, film, videotape, or other matter which contains any such
26 visual depiction, which was produced, transported, mailed, shipped or received in violation
27 of 18 U.S.C. § 2252A(a)(5)(B) and (2) any property, real or personal, used or intended to be
28 used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(5)(B) or any

property traceable to such property and is subject to forfeiture under 18 U.S.C. § 2253(a)(1) and 2253(a)(3):

1. Samsung Galaxy S10 phone [IMEI: 35233410422200];
 2. a Samsung Galaxy S20 phone [IMEI: 359823613515503]; and
 3. a Samsung Galaxy Tablet [Serial Number 357382100377424]
- (all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Rory Jacob Herrera in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the times under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6). Notice is served on any individual or entity on the date when it is placed in the mail, delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P. 32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-(v).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the forfeited property must file a petition for a hearing to

1 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.
2 § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under
3 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
4 petitioner's right, title, or interest in the property, the time and circumstances of the
5 petitioner's acquisition of the right, title or interest in the property, any additional facts
6 supporting the petitioner's claim, and the relief sought.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
8 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
9 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, within thirty (30) days
10 of the final publication of notice on the official internet government forfeiture site,
11 www.forfeiture.gov, or his receipt of written notice, whichever is earlier.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
13 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
14 Attorney's Office at the following address at the time of filing:

15 Daniel D. Hollingsworth
16 Assistant United States Attorney
17 Misty L. Dante
18 Assistant United States Attorney
19 501 Las Vegas Boulevard South, Suite 1100
20 Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
22 described herein need not be published in the event a Declaration of Forfeiture is issued by
23 the appropriate agency following publication of notice of seizure and intent to
24 administratively forfeit the above-described property.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
26 copies of this Order to all counsel of record.

27 DATED January 22, 2024, 2024.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE